

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ARIEL ABITTAN,

PLAINTIFF,

v.

LILY CHAO ET AL,

DEFENDANTS,

and

EIAN LABS INC.,

NOMINAL DEFENDANT.

Case No.: 5:20-cv-09340-NC

DECLARATION OF  
MILLICENT S. MERONEY  
IN SUPPORT OF  
STIPULATION AND JOINT REQUEST  
*OUT OF TIME* TO CONTINUE  
CASE MANAGEMENT CONFERENCE

Magistrate Judge:  
Nathanael M. Cousins

I, Millicent S. Meroney, a member of the Bar of the California and counsel for Defendants in this civil action, declare on information and belief:

1. I and my firm was retained two days ago to substitute for Defendants' prior counsel, Fenwick & West LLP for the instant civil action.
2. I and my firm are also being substituted for Defendants' prior counsel, Fenwick & West LLP, in two California state court cases involving some of the same parties. One of the cases involves plaintiff in this case, Ariel Abittan. Case No. 20-cv-372622 in the Superior Court of the State of California, County of Santa Clara.
3. There are a number of imminent deadlines in all cases, including for, meet & confers, pleadings and other court filings/submissions, and hearings over the coming days and weeks.
4. I and my firm are urgently working to meet as many deadlines as possible in all cases while seeking the minimum extensions necessary to ensure a proper and orderly transition. Simultaneously the I and my firm are urgently reviewing pleadings and files in all cases to come up to speed in all matters as quickly as possible.

- 1           5. A Joint or Separate Case Management Statement is normally due one week prior  
2           to the Case Management Conference. In addition to the Federal Rules with respect  
3           to that Statement, the I understand the need to comply with all requirements of LR  
4           16-9, LR 16-10, and the Standing Order for All Judges of the Northern District of  
5           California regarding Contents of Joint Case Management Statement.
- 6           6. In addition, under Fed. R. Civ. P. 26(f), parties must “meet and confer” at least 21  
7           days before a scheduling conference is held or a scheduling order is due under Fed.  
8           R. Civ. P. 16(b). I understand that the Rule 26(f) conference has not yet occurred  
9           and is already out of time. Defendants need to prepare positions and the parties’  
10          counsel need to meet in order to satisfy Rule 26(f) sufficiently before deadlines  
11          relating to the Case Management Statement and the Case Management  
12          Conference.
- 13          7. Absent the requested continuation, Defendants would likely be prejudiced by a  
14          lack of sufficient time to fully satisfy all requirements of the Federal Rules and this  
15          Court’s Standing Order, i.e., to fully evaluate & develop positions for a Rule 26(f)  
16          conference, to jointly prepare a Joint Case Management Statement and prepare for  
17          the Case Management Conference.
- 18          8. My firm has sought and received Plaintiff’s consent to a relatively short  
19          continuance of the Case Management Conference, namely, from the current date  
20          of October 6, 2021 to November 17, 2021. (Under this proposal, a Joint or  
21          Separate Case Management Statement one week prior would be November 10,  
22          2021.)
- 23          9. On March 5, 2021, Dkt. 22, the Court continued the Initial Case Management  
24          Conference set for March 17, 2021 to April 28, 2021.
- 25          10. On April 21, 2021, Dkt. 44, the Court entered a Modified Order re 43 Stipulation  
26          Setting Schedule and Extending Time to Respond. The Court continued the Case  
27          Management Conference set for April 28, 2021 to July 7, 2021.
- 28          11. On June 28, 2021, Dkt. 67, the Clerk issued a Notice continuing the Case

Management Conference set for July 7, 2021 to July 28, 2021.

12. On July 19, 2021, Dkt. 79, the Clerk issued a Notice continuing the Case

Management Conference set for July 28, 2021 to the currently scheduled date of  
**October 6, 2021.**

13. I understand that Defendants' prior counsel and Plaintiffs' counsel have not met  
and conferred under Rule 26(f), have not served discovery, and therefore no  
discovery deadlines would be affected.

14. I am currently aware of an upcoming deadline of October 4, 2021 to respond to  
"Plaintiff's Motion for an Order Allowing Defendants Lily Chao and Damien Ding  
to Be Served (1) Through Counsel...", Dkt. 8, filed September 20, 2021.  
Defendants have not yet determined whether it may need a continuance of that  
deadline.

15. As there has not yet been a Case Management Conference, I understand no other  
deadlines in this civil action have been established.

16. By continuing the Case Management Conference by 26 days, the parties estimate  
that essentially all future dates in the case may be pushed back by approximately  
26 days.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

DATED: September 29, 2021

CULHANE MEADOWS PLLC  
Millicent S. Meroney

By: /s/ Millicent S. Meroney